

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT KNOXVILLE

Assigned on Briefs November 14, 2006

**STATE OF TENNESSEE v. JOHN STEPHEN STEELE**

**Direct Appeal from the Criminal Court for Washington County  
No. 28803 Robert E. Cupp, Judge**

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**No. E2006-00039-CCA-R3-CD - Filed September 13, 2007**

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The appellant, John Stephen Steele, was found guilty by a jury in the Washington County Criminal Court of second degree murder, and the trial court sentenced him to twenty years incarceration in the Tennessee Department of Correction. On appeal, the appellant contends that the jury erred in rejecting his defense of insanity. Upon review of the record and the parties' briefs, we affirm the judgment of the trial court.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Criminal Court is Affirmed.**

NORMA MCGEE OGLE, J., delivered the opinion of the court, in which DAVID H. WELLES and JOHN EVERETT WILLIAMS, JJ., joined.

Donald E. Spurrell, Johnson City, Tennessee, for the appellant, John Stephen Steele.

Robert E. Cooper, Jr., Attorney General and Reporter; Jennifer L. Bledsoe, Assistant Attorney General; Joe Crumley, District Attorney General; and Dennis Brooks and Joy Phillips, Assistant District Attorneys General, for the appellee, State of Tennessee.

**OPINION**

**I. Factual Background**

The State's proof at trial revealed that the appellant, who has a long history of mental illness including schizo-affective disorder, was living in an apartment in Johnson City. The appellant called his mother, Joanna Steele, and told her that he had received a Social Security check and had taken it to the bank. The appellant asked if she and his father, John Steele, could come to Johnson City to help him with errands, and they arranged to meet at a cigarette store the appellant frequented.

Although they were in the midst of a home repair project, the Steeles went to the appellant's aid. They picked him up at the cigarette store and took him to a grocery store. The appellant went in the store by himself and did some shopping. Upon the appellant's return to the Steele's vehicle,

his mother asked him if he had remembered to buy bread. The appellant said no and returned to the store to purchase bread. The Steeles then drove the appellant to his first-floor apartment, parked in front of the door, and helped him carry in his groceries.

The apartment was very messy with food, clothes, and trash scattered everywhere. Mrs. Steele put away the appellant's groceries and began to tidy the apartment. The appellant did not help but sat on the couch, smoking. The appellant was not very talkative, but he asked his father to fix his toilet. Mr. Steele looked at the toilet and reported to the appellant that he did not have the right tools to make the repairs. The appellant asked his father to help him set his alarm clock so he could wake early for an appointment with a mental health professional, and Mr. Steele complied. The appellant also asked his father to fix his guitar, but Mr. Steele did not know how to fix the instrument.

While Mrs. Steele cleaned, she suggested that the appellant gather dirty laundry and take it to the laundromat. The appellant resisted the suggestion at first, but eventually he and Mr. Steele complied with Mrs. Steele's suggestion. After being at the apartment thirty or forty-five minutes, Mr. Steele told Mrs. Steele they needed to leave to finish their home repair project. The Steeles stepped outside of the appellant's front door and moved toward their vehicle. The appellant asked his father to come back inside momentarily. Mrs. Steele waited outside while Mr. Steele followed the appellant into the apartment. The door closed behind the men.

A short time later, Mrs. Steele heard Mr. Steele say that the appellant had stabbed him. She tried to get into the apartment, but the door was locked. She beat on the door, pleading with the appellant to open the door. She knocked on neighbors' doors trying to find help but to no avail. She tried to call 911, but her cellular telephone lost the connection soon after the call was answered. Ultimately, the appellant opened the front door, and Mrs. Steele ran into the apartment. She found Mr. Steele on the floor in front of the television, covered in blood and attempting to stand. Mrs. Steele helped him out of the apartment while the appellant stood in the kitchen with his back to them. Mrs. Steele drove Mr. Steele to the hospital, and he lost consciousness on the way.

When they arrived at the emergency room, Mrs. Steele ran to get help for her husband. Medical personnel came to Mr. Steele's aid, and many resuscitation procedures were employed. Despite the best efforts of the medical personnel, Mr. Steele died as a result of his stab wounds. Specifically, one of the seven stab wounds he received was a wound to the chest which punctured a lung and sliced through a rib. The wound caused the chest to fill with blood and air, making it difficult for him to breathe or for his heart to pump.

In the meantime, 911 alerted police to the interrupted call. Police responded to the appellant's apartment complex. When they arrived, the appellant was standing outside, with blood on his hands and clothes. The police were unaware of what had transpired, so they asked the appellant if he was okay. The appellant responded that he was fine and told the officer that the blood was his father's blood. The appellant maintained that he stabbed his father after he attacked the appellant. Police asked where the appellant's father was, and the appellant replied that his mother

had taken his father to the hospital. Police then asked the appellant's permission to go into his apartment, and the appellant agreed. Inside the appellant's apartment, police saw obvious signs of a struggle. There was blood on the floor, furniture, and wall. A bloody knife was on the mat in front of the front door. Furniture was overturned, and an ashtray had been overturned, scattering cigarette butts.

Police asked the appellant if he had any injuries, and the appellant responded that he did not. Police photographed the appellant to demonstrate that he had no injuries. They did not tell the appellant why the photographs were being taken; however, while the photographs were being taken, the appellant told the officers that his father only managed to hit him once in the chin before the appellant stabbed Mr. Steele.

The appellant did not testify at trial. Regardless, his theory of defense was that he killed his father in self-defense. Based upon the foregoing, the jury found the appellant guilty of the second degree murder of his father. On appeal, he argues that the jury should have found him not guilty by reason of insanity.

## **II. Analysis**

In his appellate brief, the appellant acknowledges that “[a]lthough the [appellant] refused to permit defense counsel to raise the issue of his sanity at the time of the offense, the issue was inevitably raised by the proof and the court ultimately charged the jury that they were to consider the [appellant’s] sanity at the time of the offense.” The appellant summarily contends that the jury should have found by clear and convincing evidence that he was insane at the time he killed his father.

We note that a defendant may establish the affirmative defense of insanity if he proves by clear and convincing evidence that at the time of the commission of the acts constituting the offense he was unable to appreciate the nature or wrongfulness of his acts as a result of a severe mental disease or defect. See Tenn. Code Ann. § 39-11-501(a) (2003). Our supreme court concluded that “appellate courts in Tennessee should apply the reasonableness standard when reviewing a jury’s rejection of the insanity defense.” State v. Flake, 88 S.W.3d 540, 554 (Tenn. 2002). The court further concluded that this standard is “properly deferential to the finding of the trier of fact,” yet “does not totally insulate the jury’s finding from appellate review.” Id. Regardless, “appellate courts in Tennessee should reverse a jury verdict rejecting the insanity defense only if, considering the evidence in the light most favorable to the prosecution, no reasonable trier of fact could have failed to find that the [appellant’s] insanity at the time of the offense was established by clear and convincing evidence.” Id.

At trial, the appellant would not allow counsel to raise a defense of insanity, insisting that he killed his father in self-defense after his father attacked him. However, based upon the proof adduced at trial, the trial court instructed the jury on the insanity defense. The testimony of the appellant’s mother clearly showed that the appellant had a long history of mental illness beginning

in 1983, specifically schizo-affective disorder which caused the appellant to experience paranoia and auditory hallucinations. He had been repeatedly hospitalized at Lakeshore Mental Health Institute, Peninsula Hospital, Woodbridge Hospital and Indian Path Pavilion Hospital. Since the offense, he had been confined at the Lois M. DeBerry Special Needs Facility. Mrs. Steele described numerous attempts to obtain mental health treatment for the appellant. Further, the trial transcript reflects that the appellant's poor mental health was exemplified by repeated outbursts during trial in which the appellant questioned witnesses, talked to the jury, and challenged the sanity of his mother, father, and counsel. Therefore, we conclude that the proof at trial unquestionably demonstrated that the appellant suffered from a crippling mental disease or defect.

Notably, in closing argument the State told the jury:

[Y]ou can tell from the difficulties Mrs. Steele has had with her son in trying to get help for him you can tell that the mental health system in Tennessee stinks! It's absolutely a failure in this case. There's a good man that could be alive today if more had happened with this defendant. Our laws on mental health when it relates to crime are a strange lot, and if you feel that there's something that needs to be done about them I'd ask you to contact your legislatures at the end of this trial. Tell them to look at this. Maybe they don't care, but, if they get twelve calls at the end of this day, by golly, they will. I bet Mrs. Steele would call right with you. But, we've got to deal with cards we're dealt with in this case, and that's what the law of insanity is.

Further, during the sentencing hearing, the trial court remarked that

one of the jurors, more than one, and I understand that there was more than one left this courtroom with tears in their eyes over this situation. And the comment that one of those jurors made to me that, "Judge, is there something you can do to get him some help?"

As we noted, there was overwhelming evidence that the appellant suffered from a mental disease or defect. However, in Tennessee our insanity law requires that the defendant must show that because of the mental disease or defect, he was unable to appreciate the nature or wrongfulness of his acts. Based upon the record before us, and viewing the evidence in the light most favorable to the State, we conclude that a reasonable trier of fact could have found that the defendant's insanity was not established by clear and convincing evidence.

The appellant's mother testified that the appellant "seemed calmer, not as talkative" on the day of the murder. The appellant did not mention anything on the day of the murder to indicate he was hearing voices. See State v. Flake, 114 S.W.3d 487, 504 (Tenn. 2003). Further, the appellant was able to perform errands such as banking and grocery shopping. While his mother cleaned his

apartment, the appellant asked his father to repair various items in the apartment. When his parents were leaving, the appellant called his father back into the apartment, shutting and locking the door behind him. At that time, the appellant repeatedly stabbed his father. The appellant did not help his mother when she sought to help his father. The appellant waited outside for the police to arrive and informed police that the blood on his shirt did not belong to him but instead belonged to his father. The appellant recognized the authority of the police by explaining that he killed his father to protect himself after his father attacked him. See Flake, 88 S.W.3d at 556. Police then photographed the appellant to demonstrate that the appellant had no injuries. Without being told, the appellant realized what the police were doing, and he explained that they would not see any injuries because his father had only hit him once on the chin before the appellant stabbed him. See State v. Smith, 151 S.W.3d 533, 541 (Tenn. Crim. App. 2003). We conclude that the foregoing demonstrates that the appellant appreciated the nature or wrongfulness of his acts. Therefore, the jury, as was its prerogative, rejected the defense of insanity and found the appellant guilty of the second degree murder of his father.

We share the concerns expressed by the trial court, defense counsel and the State. However, the mandate of this court is to apply the laws as enacted by our legislature. We must also follow the dictates of our supreme court. The current law in Tennessee regarding insanity, as we noted earlier, is encapsulated in the Flake opinion. See Flake, 88 S.W.3d at 554. Therefore, we are compelled to apply the Flake standard of review. In applying this standard, we are obligated to uphold the jury's rejection of the insanity defense and affirm the appellant's conviction.

### **III. Conclusion**

Based upon the foregoing, we affirm the judgment of the trial court.

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NORMA McGEE OGLE, JUDGE